

WARRANT #

PC 40535

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

THE STATE OF TEXAS}

COUNTY OF TARRANT}

ARREST WARRANT AFFIDAVIT

DEC 28 2018

TIME 8:56am
BY [Signature] DEPUTY

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned Affiant, who after being by me duly sworn on oath deposes and says: My name is Detective M. Weber, Tarrant County Sheriff's Office, and I have good reason to believe and do believe that on or about the *21st day of December, 2018 in Tarrant County, Texas, Welborn, Joseph Matthew, TCSO CID# 0777876, [REDACTED] Sansom Park, Tarrant County, Texas*, did then and there commit the offense of **CAPITAL MURDER – INDIVIDUAL UNDER 6 YEARS OF AGE**, DID THEN AND THERE INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, CHRISTIAN WELBORN, DATE OF BIRTH OCTOBER 2, 2018, BY STRIKING HIS HEAD WITH OR AGAINST A HARD OBJECT, AND THE SAID CHRISTIAN WELBORN WAS THEN AND THERE AN INDIVIDUAL UNDER SIX YEARS OF AGE.

My belief is based upon the following facts and information:

On Friday, 12/21/18, Detective M. Weber #70811 was contact and requested to respond to [REDACTED], Sansom Park, TX in reference to a 2-month-old child being transported to Cook Children's Hospital in critical condition. Upon arrival, Weber met with Sansom Park Police Chief Wilkerson, who advised that the ambulance crew had transported a white male 2-month-old to Cook Children's Hospital with what was believed to be a depressed skull fracture. Chief Wilkerson stated that CPR was being performed on the 2-month-old male on the way to the hospital.

Chief Wilkerson advised that Sansom Park received a call at 1644hrs that a 4-year-old child had dropped a 2-month-old male, who was unresponsive. Chief Wilkerson advised that the mother, father, and maternal grandfather were on scene when police and ambulance personnel arrived on scene at 1649hrs. Chief Wilkerson advised that the mother of the two-month-old had ridden to Cook Children's Hospital with the ambulance.

Detective Weber met Joseph Welborn W/M [REDACTED] Welborn identified himself as the father of the 2-month-old male that was transported to the hospital. Weber obtained a written consent to search for the residence from Joseph Welborn. Welborn stated that he was at home with the children when his wife went to the store. Welborn stated that he was awake when his wife, Rosalinda Lopez, went to the store. Welborn stated that [REDACTED] stayed home with the suspect. Joseph Welborn stated that [REDACTED] is his 4-year-old son by Brittany Williams. Joseph Welborn showed Detective Weber where Brittany Williams trailer was located ([REDACTED]). Joseph Welborn stated that the 2-month-old victim, identified by Joseph Welborn as Christian Welborn W/M [REDACTED] hereinafter referred to as the victim, went to the store with Rosalinda Lopez and Rosalinda's father, Johnny Lopez. Welborn stated that when Rosalinda Lopez returned from the store, Rosalinda Lopez woke Joseph Welborn up. Joseph Welborn stated that he went to the car to get the groceries. Joseph Welborn stated that he saw the victim in the house in the car seat before going outside to get the groceries. Joseph Welborn stated that he heard the victim crying inside when he walked outside. Joseph Welborn stated that Rosalinda Lopez was making a bottle for the victim when Joseph Welborn walked outside. Joseph Welborn stated that he met Johnny Lopez (Rosalinda's father) outside and Rosalinda then came running out of the front door with Christian in a panic. Joseph Welborn stated that he was never alone with the victim at

any point on 12/21/18. Joseph Welborn showed Weber a spot on the floor near the front door by the Christmas tree where the victim was supposedly dropped by [REDACTED] Welborn. Weber observed the floor was unobstructed and was a flat, wood-like substance.

Detective Weber met with Sgt. Shelton. Sgt. Shelton followed Johnny Lopez, who transported [REDACTED] Welborn (7 years of age) and [REDACTED] Welborn (6 years of age) to the Alliance for Children in Lakeside for the children to be interviewed by forensic interviewer Charity Henry. The interviews were recorded for sight and sound. Gavin Welborn stated that he heard [REDACTED] drop the victim but did not see it happen. [REDACTED] first stated that he only heard [REDACTED] drop the victim, but later in the interview stated that he saw [REDACTED] drop the victim.

Detective Weber then met with Sansom Park Firefighters Anthony Digiovanni #263 and Chase Berrier #296. Both firefighters were the first on scene to the incident. Both stated that the victim was having labored (agonal) breathing when they arrived on scene. Both stated the victim was pronounced deceased at Cook Children's Hospital shortly after arrival.

Detective Weber walked through [REDACTED] and did not observe any obvious impact site (blood or hair). Weber observed that the floor of the trailer was a wood-like substance without a concrete base underneath the wood. Weber could feel the floor give slightly as Weber walked on the floor. Weber asked that a baby carrier containing a receipt be seized as evidence. The receipt was from El Rancho at 3220 N. Main St. Weber also requested that a diaper bag found with the baby carrier be seized as evidence.

Detective Weber then went to Cook Children's Hospital and interviewed Rosalinda Lopez W/F [REDACTED]. The victim was deceased when this interview occurred. Lopez said she left for the store between 1530 and 1600 on 12/21/18. Lopez identified the store as El Rancho on the north side of Fort Worth. Lopez said that when she returned home with groceries, she entered the house and observed [REDACTED] holding Christian off the ground. Christian's head was near [REDACTED] head and Christian's feet were toward the ground. Lopez described [REDACTED] dropping Christian when Ryland saw Lopez. Lopez said that Christian fell from a height of approximately 2 to 2 ½ feet and that Christian's feet hit the flat wood-like floor of the trailer first. Lopez stated that [REDACTED] dropped the victim just inside the front door on an unobstructed part of the floor (no items on the floor). Lopez initially stated that Joseph was sleeping on the mattress when she entered and she saw [REDACTED] drop Christian, but later changed her account of events and said that Joseph was outside getting groceries out of the car. Lopez stated that she immediately grabbed Christian and observed that the back of his head was very swollen, and he was turning purple. Lopez described Christian as having labored breathing. Lopez said while she was calling 9-1-1 Christian was still breathing. Lopez volunteered to let Detective Weber look at her text messages on her phone. There was a text message from Lopez to "Lexi" that stated, "[REDACTED] dropped him, I wasn't home at the time." Weber seized this phone pending a search warrant. Rosalinda Lopez stated that a CPS investigator had visited the house earlier in the day and Lopez had left for the store after that visit.

On 12/21/18 Weber met with Joseph Welborn at 200 Taylor St. Welborn had been transported to 200 Taylor St. by Detective Harlan. Weber read Welborn his Miranda rights and Welborn waived his rights and agreed to speak with Weber. Welborn continued to state that the victim was with Rosalinda at the store. Later Welborn concedes that the victim was in bed with him when Rosalinda and Johnny Lopez were at the store. When Welborn changed his story, he stated that the victim was lying next to him on the mattress in the living room.

Welborn said the victim began crying and woke Welborn up. Welborn stated that he gave the victim a bottle and Welborn went back to sleep and mom returned home later. Welborn stated that there was nothing wrong with the victim when Welborn was awakened by the victim. Welborn continued to give this version of events throughout this interview. Welborn agreed to speak with Weber again after the autopsy.

On December 22, 2018, The Tarrant County Medical Examiner's Office performed an autopsy on

the victim. Dr. Greenburg stated the victim had two complex skull fractures. Dr. Greenburg said there were at least two impacts, and most likely three. Dr. Greenburg said there was a huge fracture in the back of the head that would have caused the victim to be symptomatic immediately. Dr. Greenburg said death would have followed very shortly after the impact. Dr. Greenburg said in her professional opinion a fall described by Joseph Welborn and Rosalinda Lopez could not have caused the injuries. Dr. Greenburg said she is going to rule the death as blunt force homicide. Dr. Greenburg stated she did not believe that a 4, 6, or 7-year-old could generate the force to cause the skull fractures that she observed in the victim. Dr. Greenburg stated that the skull fracture in the back of the head was caused by so much force that when the skull fractured, the sharp edge of the fractured skull penetrated the dura covering the brain and then penetrated the brain.

On 12/22/18, Weber spoke with CPS Investigator [REDACTED]. [REDACTED] stated that she was conducting a follow up to a neglectful supervision complaint when she arrived at [REDACTED] at approximately 1445hrs on 12/21/18. [REDACTED] stated that she met with Rosalinda Lopez, who was holding the victim in her arms. [REDACTED] observed that the victim was a normal 2-month-old, tracking the other children with his eyes and engaged when addressed. [REDACTED] stated that the victim was not in any distress. [REDACTED] stated that Joseph Welborn was asleep in the living room the entire time [REDACTED] was at the trailer. [REDACTED] stated that it was a short visit and that she left the trailer at approximately 1500hrs on 12/21/18.

On 12/22/18, Detective Weber, accompanied by Detective Harlan, transported Joseph Welborn to 200 Taylor St. Joseph Welborn was told by Weber that Welborn was not under arrest, but that Weber needed to speak with Welborn again at 200 Taylor St. Welborn agreed to accompany Weber to 200 Taylor St.

Once at 200 Taylor St, Weber again read Joseph Welborn the Miranda warning form the green cards provided. Welborn stated that he understood his rights and would waive them and speak with Weber about the victim. Welborn introduces a third account of events. Welborn stated that he was asleep when [REDACTED] woke Welborn up. Welborn stated that Johnny and Rosalinda were at the store during this time. Welborn stated that he observed the victim sleeping on the couch next to [REDACTED] Welborn. Welborn stated that he got up, walked across the living room to the kitchen, got [REDACTED] Welborn something to drink, and then returned to the mattress next to the couch. Joseph Welborn stated that he saw the victim asleep on the couch in zero distress when he returned to the mattress. Joseph Welborn stated that both [REDACTED] and [REDACTED] Welborn were asleep the entire time Johnny and Rosalinda Lopez were at the store. Joseph Welborn stated that neither [REDACTED] woke up until they heard sirens approaching the residence. Joseph Welborn consistently stated that both the older children (age 6 and 7) were asleep the entire time Rosalinda Lopez was at the store.

On 12/23/18 Weber interviewed Johnny Lopez at [REDACTED]. Lopez stated that sometime between 1530 and 1600 Rosalinda Lopez called and asked Johnny Lopez to come take her to the store. Lopez stated that he arrived at [REDACTED] and honked his car horn for Rosalinda Lopez to come out. Lopez stated that he has trouble navigating steps so he did not go into the residence. Lopez stated that Rosalinda came out carrying a car seat containing [REDACTED] Welborn. Lopez stated that he, Rosalinda and [REDACTED] then proceeded to the store.

Johnny Lopez stated that he drove south on Azle Ave and turned on Long St and drove on Long St to the intersection of Long and Main where the El Rancho is located. Johnny Lopez stated that he followed the same route when returning to [REDACTED] from El Rancho. Johnny Lopez stated that he did not make any stops either going to or coming from El Rancho. Johnny Lopez stated that once at the store, [REDACTED] and Rosalinda went in and shopped. Johnny Lopez stated that they were at the store for approximately 45 minutes. Johnny Lopez stated that he met Rosalinda Lopez at the checkout register and helped her out to the car with the groceries. Johnny Lopez stated that they went back to his car, loaded up the groceries and drove straight back to [REDACTED].

Johnny Lopez stated that when they arrived back at [REDACTED] Rosalinda Lopez grabbed the child carrier containing [REDACTED] Welborn while Johnny Lopez grabbed the groceries from the car. Johnny Lopez stated that it took about 13 seconds for Johnny Lopez to get from the car to the steps/patio of the trailer. Johnny Lopez stated that Joseph Welborn exited the front door and stepped on to the patio and started to take groceries from Johnny Lopez. Johnny Lopez stated that Joseph Welborn was on the front porch for approximately 8 seconds when Johnny Lopez heard Rosalinda Lopez scream from inside the trailer "He dropped the baby" Johnny Lopez stated that Rosalinda never said who dropped the baby to Johnny Lopez, he just heard her scream "he dropped the baby!" Johnny Lopez stated that both he and Joseph Welborn went into the trailer where Johnny Lopez observed that the victim was having trouble breathing and Rosalinda stated that the back of the victim's head was soft. Johnny Lopez told Rosalinda to call 911 and Johnny Lopez took the victim from Rosalinda. Johnny Lopez stated that he attempted to help the victim breath by blowing into the victim's mouth. Johnny Lopez stated that the victim was pale and the victim's lips were turning blue.

On 12/26/18, Weber met with Caesar Martinez H/M [REDACTED] loss prevention officer for El Rancho grocery store. Martinez had the video pulled of Rosalinda Lopez, Johnny Lopez, and [REDACTED] Welborn at the location on 12/21/18. Detective Weber viewed the video and observed that the car carrying Rosalinda Lopez, Johnny Lopez, and [REDACTED] Welborn enters the El Rancho parking lot at 15:53:28 according to the camera system and the computer CAD system that the camera was recording on. Weber observes that Rosalinda Lopez scans her WIC card at 15:58:56 according to the camera and CAD systems.

The video shows Rosalinda Lopez checking out with purchased items and leaving the register at 16:27:05. [REDACTED] Welborn can be seen with Rosalinda at the register. It is clear [REDACTED] is a 2-year-old, and not the 2-month-old victim. Also seen at the register is Johnny Lopez. All three are then seen getting into Johnny Lopez's car in the parking lot and exiting the parking lot at 16:30:56. It should be noted that the 911 call occurred at 16:44hrs.

Detective Weber mapped the route from [REDACTED] to El Rancho grocery store and observed that the mapping application stated that it was an 11 minute drive in very light traffic.

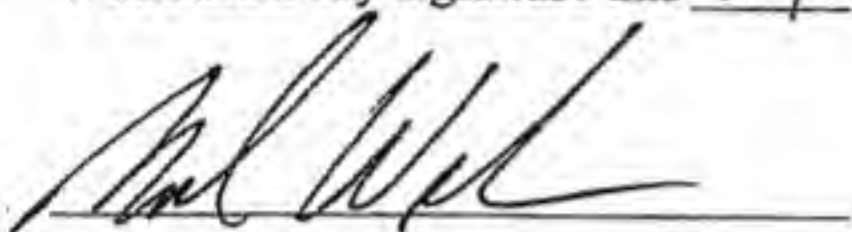
Joseph Welborn was the only person alone with the victim at the time that the injuries occurred that could have caused the injuries.

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After receiving this information, Your Affiant prepared a probable cause arrest warrant for *Welborn, Joseph Matthew, TCSO CID# 0777876, [REDACTED], Sansom Park, Tarrant County, Texas*, did then and there commit the offense of **CAPITAL MURDER – CHILD UNDER 6 YEARS OF AGE**, DID THEN AND THERE INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, CHRISTIAN WELBORN, DATE OF BIRTH OCTOBER 2, 2018, BY STRIKING HIS HEAD WITH OR AGAINST A HARD OBJECT, AND THE SAID CHRISTIAN WELBORN WAS THEN AND THERE AN INDIVIDUAL UNDER SIX YEARS OF AGE.

HEREFORE, your affiant requests an arrest warrant be issued for the suspect herein before designated according to the laws of this State.

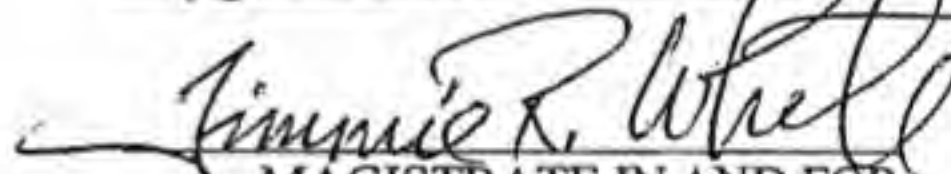
WITNESS my signature this 27 day of December, 2018.



Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this the 27 day of

December 2018



MAGISTRATE IN AND FOR
TARRANT COUNTY, TEXAS

Timmie R. White

PRINTED NAME

Criminal Magistrate
TITLE AND OFFICE HELD BY MAGISTRATE